



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PT:CMM
F. #2013R00948

271 Cadman Plaza East
Brooklyn, New York 11201

March 30, 2015

By ECF and Fed Ex Delivery

Richard Haley, Esq.
Haley, Weinblatt & Calcagni, LLP
1601 Veterans Memorial Highway, Suite 425
Islandia, New York 11749

Re: United States v. Philip Kenner
Criminal Docket No. 13-CR-607 (JFB)

Dear Mr. Haley:

As you are aware, I am firewall counsel in the above-captioned case. In December 2014, following a privilege review, the government provided you with a flash drive containing those documents determined to be not privileged (Bates stamped PRIV-PK00001) and an accompanying password for the flash drive. Upon using the password, you were able to access the information on the flash drive, which, upon information and belief, you then forwarded to your client, Philip Kenner at the GEO correctional facility ("GEO"). As you previously indicated, the information on this flash drive was inadvertently deleted at GEO. Accordingly, enclosed please find another flash drive containing those documents determined to be not privileged (Bates stamped PRIV-PK00001). The password is the same as the previous password, which I will provide again by email.

In addition, as part of the privilege review, on February 10, 2015, I provided you with a non-password protected CD, Bates stamped PRIV-PK00003, containing documents that are "Unclear," that is, it is unclear from the face of the documents whether a privilege exists.¹ Upon information and belief, you also forwarded this CD to Kenner at GEO. Please be advised that Warden Zerillo at GEO contacted the undersigned because when staff at GEO reviewed the information contained on this CD, they saw that the CD

¹ I had previously provided you with a password protected copy of the CD Bates stamped PRIV-PK00003; however, you indicated that you were unable to open the password protected CD.

